

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application :
MELDON L. TALBOT : Art Unit 3764
Serial No. 09/706,992 : Examiner:
Filed: November 6, 2000 : L. Hamilton
FOR: ANKLE BRACE :

DECLARATION OF INVENTOR PURSUANT TO 37 C.F.R. §1.132

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

MELDON L. TALBOT states, under penalty of perjury, that the averments set forth hereinafter are true on the basis of his own personal knowledge thereof:

- (1) I am the Meldon L. Talbot who is the applicant in United States patent application Serial No. 09/706,992 filed November 6, 2000.
- (2) I have read and understood the Office communication identified as Paper Number 2 mailed July 17, 2001 in application Serial No. 09/706,992.
- (3) I have read and understood Patent 4,085,746 (Castiglia).
- (4) I disagree with the statement in the Office communication that: "Castiglia discloses the invention substantially as claimed".

(5) Some of the reasons for my disagreement are set forth in the attached October 23, 2001 letter addressed to the Honorable Commissioner of Patents and Trademarks.

(6) The said letter is a true statement of my own experiences as stated therein.

(7) The said letter was voluntarily written exclusively by me, and it is entirely my own work.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Date

November 6, 2001

Meldon L. Talbot

Meldon L. Talbot

October 23, 2001

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RE: 1. Application of Meldon L. Talbot, Serial No. 09/706,992 – Ankle Brace CIP.
2. Castiglia, U.S. Patent No. 4,085,746.
3. Wise, U.S. Patent No. 3,777,751.
4. Further Response from Edward S. Irons to the July 17, 2001 rejection (09/706,992).

Sir:

I have studied the Castiglia Patent (4,085,746) carefully and would like to add some of my own comments to Mr. Irons response to the July 17, 2001 rejection of Serial No. 09/706,992.

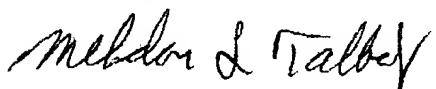
1. The Castiglia Patent concerns a very complex wrapping of an injured ankle with a material that is made primarily of an elastic material. I have tried many ankle supports made of an elastic material over the years and none have given substantial protection against spraining or re-spraining an ankle as compared to my invention using an inelastic, flexible ankle brace.
2. I have taken my ankle brace and duplicated the method described by Castiglia for wrapping an ankle. I had to use three of my ankle braces attached to each other, end to end, in order to have enough length available to complete Castiglia's instructions.
3. Castiglia's method of wrapping an ankle results in three layers of the ankle brace passing under the foot and three layers of the ankle brace passing in front of the ankle, over the Medial Arch. All of these excessive layers may slightly aid in the effective support of an ankle but would make the device very uncomfortable to wear for more than a few minutes. Imagine putting three layers of material of any kind from side to side under the middle of your foot (under the Medial Arch) and walking on it.
4. Two parts of the wrap described by Castiglia proceeds from the back of the foot (the Achilles Tendon area) at a downward angle of about 45 degrees and goes under the foot (under the Medial Arch) before proceeding elsewhere. In my opinion it would be very difficult to keep an elastic material properly in place without sliding off the heel after a few minutes of walking or running. I have actually wrapped my ankle with the inelastic, flexible material from my invention (See No. 2, above) and it is difficult to achieve the 45 degree part of Castiglia's method and almost impossible to keep the inelastic material from slipping off the heel when walking. Castiglia's method of wrapping an ankle is simply incompatible with an inelastic, flexible material in opposition to the examiner's assumptions.

5. My method of wrapping an ankle (09/706,992) is a simple figure 8 with only one layer of material passing under the foot. Castiglia's method is very complex (as described in Nos. 3 & 4, above) and has no resemblance to a simple figure 8.

In my previous letter to "The Honorable Commissioner of Patents and Trademarks", dated August 20, 1999, I offered to come to Washington D.C. to demonstrate the value and unique qualities of the ankle brace I invented. I would like to repeat that offer at this time.

I believe that within 30-40 minutes I could successfully dispel all doubts of the examiner(s) and refute all assumed reliance on both Wise (3,777,751) and Castiglia (4,085,746).

Respectively,



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